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William R. Stark, Jr.
26602 Aracena Drive
Mission Viejo, CA 92691
April 22, 2006

Mr. Cliff Congo – Petitions Attorney
Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450

Alexandria, VA 22313-1450

Reference: Application/Control Number: 10/737,329
Art Unit: 3673

Dear Mr. Congo,

I am in receipt of your letter dated April 13, 2006 which DISMISSED my renewed petition under 37 CFR 1.181 based upon receiving an official postal receipt in lieu of a certificate of mailing. However, I have it in writing from the United States Postal Service that their postal receipt is the ONLY LEGAL PROOF of mailing issued by the USPS. The Certificate of Mailing is NOT A LEGAL document according to them.

Why does the United States Patent and Trademark Office continue to reject the ONLY LEGAL PROOF of mailing issued by the United States Postal Service? I am not an attorney, but it seems quite clear that my postal receipt supersedes a "Certificate of Mailing" since it is the ONLY LEGAL PROOF of mailing and must be accepted by the United States Patent and Trademark Office as proof of mailing. How can your office only accept a non-legal document and reject a legal document?

If your office continues to reject my petition on this basis, I would like to know the name and position of the attorney in charge of the USPTO office of petitions. It appears that litigation may be the only effective means of having this matter thoroughly and legally resolved. This whole issue has unlawfully delayed my patent application for more than a year over a technicality in your regulations which is clearly legally deficient.

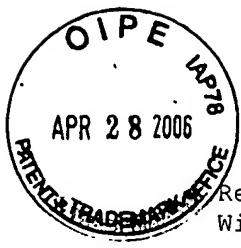
Based upon this evidence, I hereby respectfully request that the processing of my utility patent application be continued without further delay. If any further information is needed from me regarding this issue, please let me know immediately upon receipt of this letter. I may be reached at (949) 380-8829.

Very truly yours,

William R. Stark, Jr.

Encl: United States Postal Service communications regarding postal receipt versus certificate of mailing.

cc. Senator Diane Feinstein, Senator Barbara Boxer, Congressman Gary Miller, Attorney General Alberto R. Gonzales



Response (Amy S) - 04/02/2006 11:06 PM
William,

Thank you for your response.

You are correct in stating the sales receipt you receive from a mailing or purchase will suffice as proof of mailing or legal proof. I apologize, any further concerns about this issue, you will need to contact the US Patent Office.

If you have any further questions, feel free to contact me. Thank you for using the United States Postal Service.

Amy

Customer (William Stark) - 04/02/2006 10:56 PM
Dear Amy,

I have attached a copy of my Postal Receipt in a Microsoft Word document which I trust that you will be able to open.

If you would be so kind as to look over this receipt and then tell me what information (in addition to what is on this receipt) would be gained from getting a "Certificate of Mailing"!

The US Patent Office is insisting that I should have requested a "Certificate of Mailing". However, I don't know what, if anything, is lacking in this normal postal receipt. Why even have any other type of receipt? Or, why doesn't a "Certificate of Mailing" just take the place of a normal receipt?

My argument with the USPTO is that "an official USPS receipt should suffice for any such purpose of proof of mailing"! Good grief! They received the package three days later; how else could they have received the package if it wasn't mailed? I am really upset that they are refusing my application over this trivial and rather stupid regulation.

Shouldn't any official mailing receipt issued by the United States Postal Service be good enough for any other federal agency??????

Thank you for taking the time to answer this request. The importance of this issue is why I was attempting to contact the Postmaster General regarding this matter.

Very truly yours,

William R. Stark, Jr.

-----Original Message-----

From: Support@USPS [<mailto:uspshelpdesk@spemail.esecurecare.net>]
Sent: Monday, March 20, 2006 10:55 PM
To: renniel234@cox.net
and a normal... [Incident: 060318-001959]

Subject

Please tell me the difference between a "Certificate of Mailing" and a normal...

Discussion Thread

Response (Amy S) - 03/20/2006 11:55 PM
William,

Thank you for your response.

The Certificate of Mailing is a validated receipt however, it cannot be submitted as legal proof as a regular receipt can.

If you have any further questions, feel free to contact me. Thank you for using the United States Postal Service.

Amy

Customer (William Stark) - 03/20/2006 11:26 PM
Dear Angela,

Thank you so much for your email in reply to my question.

I am still a little puzzled over any need to request a "Certificate of Mailing" in lieu of the normal process of having my envelope "date stamped" or "postmarked" by the Post Office and requesting a normal Post Office receipt.

I have enclosed an attachment of my Postal Receipt for your review and comment. My question is this: what additional information will a "Certificate of Mailing" provide that is not already provided on my Postal receipt"?

My Postal receipt shows:
Post Office Address / Location Number
Date of mailing
Time of mailing
Bill Number
Clerk Number
Destination Address
Cost of First Class Postage
(I have enclosed a copy)

So what is missing that a "Certificate of Mailing" provides?

I am so sorry to trouble you with this question; but it is very important that I find the answer.

I look forward to hearing back from you. Perhaps you could send me an "example" or "sample" Certificate of Mailing.

Very truly yours,

William Stark

Mission Viejo, CA

-----Original Message-----

From: Support@USPS [<mailto:uspshelpdesk@spemail.esecurecare.net>]

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Discussion Thread

Response (Angela) - 03/20/2006 08:55 PM

William,

Thank you for visiting our web site. I understand you would like information on a Certificate of Mailing.

I would be happy to help you. I have listed the general information available on Certificate of Mailing. A regular Postal receipt indicates only that something was purchased without the details of the item specifically mailed.

What is a Certificate of Mailing?

A certificate of mailing provides evidence of mailing only - not legal proof. (You must keep receipt; no record of mailing is kept at the post office.)

No receipt is obtained when mail is delivered to the recipient. No insurance is provided against loss or damage. Return receipts cannot be added to this service. May be used for domestic or international mail. Must go to a post office, branch, or station to obtain a validated receipt. Can be paid for by affixing stamps or meter strips.

What classes / services can be combined with a Certificate of Mailing?

Available with First-Class MailR, Priority MailR and Package Services. May be combined with special handling. Cannot be obtained in combination with registered mail, insured parcel post, recorded delivery or bulk mailings of 200 pieces or more that bear a permit imprint.

What is the availability of a Certificate of Mailing for International mail? A Certificate of Mailing is available with Global Priority MailR, unregistered letter-post, post or postal cards, matter for the blind and uninsured parcel post.

What are the Certificate of Mailing fees?

Individual Article - \$0.95 in addition to postage

Individual Article w/Firm Mailing Book - \$0.30 per article listed

PS Form 3817

You can view the Certificate of Mailing form online at: PS Form 3817 (PDF).

If I can be of assistance to you in the future, please don't hesitate to contact me. Thank you for using the United States Postal Service.

Angela

Customer (William Stark) - 03/18/2006 11:43 PM

Please tell me the difference between a "Certificate of Mailing" and a normal USPS mailing receipt that is issued by the Post Office.

Thank you. I really would like to know what additional information a "Certificate of Mailing" provides.

Sincerely,

William Stark

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===== text File Attachment =====
Attachment 1.txt, 8132 bytes, added to incident

===== application File Attachment =====
Postal Receipt.doc, 45056 bytes, added to incident

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William Stark

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BEST AVAILABLE COPY

SAN JUAN CAPISTRANO MPO
MISSION VIEJO, California
926909998

0569390560-0095

04/26/2005

(800)275-8777

03:53:22 PM

Sales Receipt		
Product	Sale Unit	Final
Description	Qty	Price
ALEXANDRIA VA 22313		\$1.52
First-Class		

Issue PVI: \$1.52

Total: \$1.52

Paid by:

Cash

Change Due:

\$2.02
-\$0.50

Bill#: 1000501950850

Clerk: 04

-- All sales final in stamps and postage. --
Refunds for guaranteed services only.
Thank you for your business.
Customer Copy

www.buytakeanumber.ca

782

63 800/866-3255 818/386-85